



OFFICE OF THE SPEAKER

Private Bag X5066
Kimberley 8300
Nobengula Extension
Galeshewe
Kimberley 8300

Fax: Admin (053) 839 8094
Tel: (053) 839 8005

Date: 2008-09-05

The Chairperson
National Council of Provinces
Hon MJ Mahlangu

NEGOTIATING MANDATE ON THE TOBACCO PRODUCTS CONTROL AMENDMENT BILL [B7B-2008]

1. INTRODUCTION

The Chairperson of the Portfolio Committee on Health, Hon IWJ Stadhouer tabled the Committee's negotiating mandate as adopted by the Portfolio Committee on 4 September 2008, on the *Tobacco Products Control Amendment Bill [B7B-2008]*.

2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature has on receipt of the Bill referred the *Tobacco Products Control Amendment Bill [B7B-2008]* to the Portfolio Committee on Health on 3 July 2008.
- 2.2 The Portfolio Committee received a briefing on the Bill from the Department of Health at its meeting on 21 August 2008.
- 2.3 The Portfolio Committee resolved at its meeting held on 21 August 2008, to hold public hearings on the referred Bill in the areas of Frances Baard, Pixley ka Seme, Kgalagadi, Siyanda and Namaqua to solicit the views of the affected beneficiary communities and stakeholders with regard to the *Tobacco Products Control Amendment Bill [B7B-2008]*.
- 2.4 Four (4) Public Hearings were held on 25 August 2008 as per Committee resolution and both written and oral submissions were called for. The Public engaged with the Members of the Provincial Legislature on their views.
- 2.5 On 4 September 2008 the Portfolio Committee on Health deliberated and considered the *Tobacco Products Control Amendment Bill [B7B-2008]*.

3. ORAL PUBLIC INPUT RECEIVED ON THE BILL

- i. Tobacco products should also include smoking of the 'Oka-pipe'
- ii. The Bill should address the smoking of tobacco products by school children. Dealers who sell tobacco products to children should be prosecuted.
- iii. Concern was raised at the marketing strategies used by producers of tobacco products to convince the Public that it is socially acceptable to smoke.
- iv. There should be a social responsibility on producers and distributors of tobacco products to help uplift communities, especially for smokers who had quit smoking.
- v. The Bill should provide specific guidelines on how trespassers would be prosecuted.
- vi. Clause 4 (Amendment sec 4 of the Principle Act) the prohibition age should be 18 and not 16 years.
- vii. The use of tobacco should be abolished totally.
- viii. Stricter measures or penalties should be instituted against parents or individuals who expose under age children to tobacco products.
- ix. Since tobacco is a common source of income for small businesses all tobacco products should be packaged and the selling of 'loose' cigarettes should be banned.
- x. Advertising should not only concentrate on the selling of tobacco products, but should also highlight the negative effects of its use.
- xi. Concern was expressed at the absence of teenagers at Public Hearings to inform them about the implications and dangers of smoking.
- xii. The Public should be a part of the initial drafting stages of legislation and should not only be consulted when amendments need to be effected on existing legislation.
- xiii. Business people need to be well informed about smoking legislation to discourage them from selling tobacco products to minors.
- xiv. Communities become addicted to tobacco products at a very young age. The Bill must therefore address the problem.
- xv. School children should be deterred from smoking and those who do smoke should be punished by law.
- xvi. Foreign Nationals who own tuck shops should also be encouraged to attend public hearings to enable them to adhere to South African laws.

xvii. The Public generally supports the Bill.

4. **WRITTEN PUBLIC INPUT RECEIVED ON THE BILL**

(Submissions attached)

4.1 The Tobacco Institute of South Africa

4.2 British American Tobacco South Africa

4.3 Japan Tobacco International South Africa (Pty) Limited

5. **PORTFOLIO COMMITTEE POSITION ON THE BILL**

After due deliberation and taking note of the Public's input the Portfolio Committee on Health supports the Bill.

6. **ADOPTION OF THE BILL**

The Legislature mandates the Permanent Delegates to participate in deliberations at the Negotiating stage and to support the Bill, taking note of the concerns raised by the public and Stakeholders.



HON G CJIEKELLA
Deputy Speaker